



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,176	09/12/2003	Robert Stidd	001-220	2175
29569	7590	08/11/2006	EXAMINER	
JEFFREY FURR 253 N. MAIN STREET JOHNSTOWN, OH 43031			LOWE, MICHAEL S	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/605,176

Applicant(s)

STIDD, ROBERT

Examiner

M. Scott Lowe

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the bolt and lock pin attachment means and braking system must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to because item number "71" is not found on the drawings. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended

replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Figure 4 shows item 72 as a bolt, however page 10 of the specification calls item 72 "hole positions" and item 71 as a "bolt".

Specification

The disclosure is objected to because of the following informalities:

There are numerous problems such as item 400 sometimes still being called both an RV and a motor home (it should be called just one or the other). There are also many capitalizations of words such as "Motor Home" and "Multiple Position Car Locator" which make it unclear what is special about these terms. No new matter can be added. Appropriate correction is required.

Claim Objections

Claim 27 is objected to because of the following informalities: the "." is missing at the end of the claim. Appropriate correction is required.

Claim 38 is objected to because of the following informalities: line 1 seems to be missing an "is" between "base" and "symmetrical" and line 2 starts with "25". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 21-23,31,32,36,37 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 21-23,31,32 and 37 are unclear since there are method steps in an apparatus claim. For example claim 21 states "loading a vehicle to said device; connecting said device" and claim 37 has "base turns at a 90 degree angle towards and connects".

Claim 21 states "a vehicle" in lines 1 and 5. For sake of examination it is assumed these are the same items.

Claim 21 states "a towing vehicle" in lines 5-6. For sake of examination it is assumed this is the same as the vehicle of line 1.

Claim 21 states "said device" in lines 5 and 7. It is unclear which "device" is being referred to.

Claim 23 states "a recreational vehicle and another vehicle". It is unclear if these are the same as the vehicle and recreational device of claim 21. For sake of examination it is assumed that they are the same.

Claim 26 recites the limitation "the short ends" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 36 states "extends out an equal distance from said base". It is unclear what item this is "equal distance" is equal to.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 21-23,31,32 and 37 are rejected under 35 U.S.C. 101 because the claim overlaps two different statutory classes of invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 29,32-38 are rejected under 35 U.S.C. 102(b) as being anticipated by
Alvis (US 5,468,115).

Re claim 29, Alvis teaches a towing device 10 comprising: a base (11,12,17,etc.),
a plurality of wheels 12A connected to said base, a plurality of racks 13,14,38
connected to said base, a tongue hitch attachment (not numbered) at one end of the
base, and a vehicle holder (11,12,etc.) at the other end of said base; said racks
13,14,38 movable on said base and attached to said base using an attachment means.

Re claim 32, Alvis is capable of towing a recreational vehicle and another
vehicle.

Re claim 33, Alvis teaches a braking system (all towing vehicles would have
brakes) connected to said wheels.

Re claim 34, Alvis teaches said racks 13,14,38 have two elongated lips (not
numbered) and two short ends (not numbered) which are open.

Re claim 35, Alvis teaches said racks 13,14,38 have two elongated lips (not
numbered) and a wheel block (column 3, lines 55 & 60 state the vehicles are tied down
and thus the wheels are "blocked" from movement) at one of the short ends with an
open end opposite said wheel block.

Re claim 36, Alvis teaches said rack support base (17,19,etc.) extending out a
equal distance from said base.

Re claim 37, Alvis teaches said rack support base (17,19,etc.) that can turn 90
degrees (along with rest of device or by itself) and connected to the wheel axis support
(not numbered).

Re claim 38, Alvis teaches said rack support base (17,19,etc.) being symmetrical relative to the support beam (not numbered, thus maintaining a stable load balance).

Claim Rejections - 35 USC § 102/103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-26,30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alvis (US 5,468,115).

Re claims 21,30, Alvis teaches a device 10 to tow a vehicle and a recreation device comprising: a base (11,12,17,etc.) comprising of a support beam and a wheel axis support, a plurality of wheels 12A connected to said base, a plurality of racks 13,14,38 connected to said base, a tongue hitch attachment (not numbered) attached to the base, and a movable vehicle holder (11,12,etc.) attached to said base where said vehicle holder (11,12,etc.) is a vehicle locator swivel plate; where a recreation device can be loaded to said device; loading a vehicle to said device, said device is connectable to a towing vehicle; where said racks are movable on said base and attached to said base using an attachment means. Alvis teaches a ramp (column 3, lines 49-60). It would have been obvious to one of ordinary skill in the art at the time the

invention was made to have modified Alvis to have more than one ramp in order save effort move a single ramp back and forth.

Re claim 22, Alvis teaches said attachment means are a bolt and lock pin 25 where said bolt 25 goes through an opening in said rack and said base. If it is determined that Alvis does not teach a bolt and lock pin then it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Alvis to have a bolt and lock pin as a well known equivalent connection method in order provide manufacturing flexibility.

Re claim 23, Alvis is capable of towing a recreational vehicle and another vehicle.

Re claim 24, Alvis teaches a braking system (all towing vehicles would have brakes) connected to said wheels.

Re claim 25, Alvis teaches said racks 13,14,38 have two elongated lips (not numbered) and two short ends (not numbered) which are open.

Re claim 26, Alvis teaches said racks 13,14,38 have two elongated lips (not numbered) and a wheel block (column 3, lines 55 & 60 state the vehicles are tied down and thus the wheels are "blocked" from movement) at one of the short ends with an open end opposite said wheel block.

Claims 27,28,31, are rejected under 35 U.S.C. 102(b) as anticipated by Alvis (US 5,468,115) or, in the alternative, under 35 U.S.C. 103(a) as obvious over Alvis (US 5,468,115) in view of Colet (US 4,578,014).

Re claim 27, Alvis teaches a device 10 to tow a vehicle and a recreation device comprising: a base (11,12,17,etc.) comprising of a support beam and a wheel axis support, a plurality of wheels 12A connected to said base, a plurality of racks 13,14,38 connected to said base, a tongue hitch attachment (not numbered) attached to the base, and a movable vehicle holder (11,12,etc.) attached to said base where said vehicle holder (11,12,etc.) is a vehicle locator swivel plate; where a recreation device can be loaded to said device; loading a vehicle to said device, said device is connectable to a towing vehicle; where said racks are movable on said base and attached to said base using an attachment means.

Alvis teaches securing the vehicles and the supports (items 25,28,etc., column 3, lines 55 & 60) appropriately and inherently the operator would balance the load for safety. However, if it is determined that Alvis does not teach repositioning the vehicle holder for load balancing, then it is noted that Colet teaches repositioning the vehicle holder for load balancing (column 9) and safety. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Alvis by Colet to have repositioning the vehicle holder for load balancing and safety.

Re claims 28,31, Alvis teaches said attachment means are a bolt and lock pin 25 where said bolt 25 goes through an opening in said rack and said base. If it is determined that Alvis does not teach a bolt and lock pin then it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Alvis to have a bolt and lock pin as a well known equivalent connection method in order provide manufacturing flexibility.

Conclusion

Applicant's arguments filed 5/22/06 have been fully considered but they are not persuasive. The claims are not in proper form nor patentable over the known prior art.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Scott Lowe whose telephone number is (571) 272-6929. The examiner can normally be reached on 6:30am-4:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

msl



EILEEN D. LILLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600